

PATENT
Attorney Docket No. 101.0094-02000
Customer No. 22882
Express Mail Label No. ER521780416US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Gary K. Michelson)
Serial No.: (Continuation of 09/572,518)) (Group Art Unit: 3738)
Filed: March 24, 2004) (Examiner: D. Isabella)
For: METHOD FOR FORMING AN)
ORTHOPEDIC IMPLANT SURFACE)
CONFIGURATION)

MS PATENT APPLICATION
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed concurrently with the above-referenced application.

Copies of the listed documents were previously submitted in a prior application Serial No. 09/572,518, filed May 17, 2000; and/or application Serial No. 09/457,228, filed December 8, 1999, upon which applicant relies for the benefits provided in 35 U.S.C. § 120.

Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

Applicant brings to the Examiner's attention the following U.S. co-pending application of Applicant; the claims and drawings of which were submitted in prior application Serial No. 09/572,518, filed May 17, 2000, upon which applicant relies for the benefits provided in 35 U.S.C. § 120:

NOT FOR PUBLICATION			
Examiner Initial	Application Number	Filing Date	Publication/Patent Number
	09/921,851	03AUG2001	2002/0013624A1

Applicant respectfully requests that the Examiner consider the document listed above, indicate that it was considered by making appropriate notation in the appropriate column, and return a copy of this sheet to the Applicant.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: March 24, 2004

By: 
Thomas H. Martin
Registration No. 34,383

1557 Lake O'Pines Street, NE
Hartville, Ohio 44632
Telephone: (330) 877-0700
Facsimile: (330) 877-2030

Substitute for FORM PTO-1449		Attorney Docket Number 101.0094-02000	Customer No. 22882	
INFORMATION DISCLOSURE CITATION IN AN APPLICATION		Applicant Gary K. Michelson	Application Number (Cont. of 09/572,518)	
(Use several sheets if necessary) <u>Sheet 1 of 1</u>		Filing Date March 24, 2004	Group Art Unit (3738)	Examiner (D. Isabella)

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	4,349,921	09/1982	Kuntz			
	4,531,244	07/1985	Hamas			
	4,673,409	06/1987	Van Kampen			
	4,795,472	01/1989	Crownshield et al.			
	4,834,757	05/1989	Brantigan			
	4,865,603	09/1989	Noiles			
	4,944,763	07/1990	Willert et al.			
	4,955,907	09/1990	Ledergerber			
	5,258,031	11/1993	Salib et al.			
	5,522,899	06/1996	Michelson			
	5,553,476	09/1996	Oehy et al.			
	5,593,409	01/1997	Michelson			
	5,609,635	03/1997	Michelson			
	5,683,464	11/1997	Wagner et al.			
	5,716,412	02/1998	DeCarlo, Jr. et al.			
	5,755,799	05/1998	Oehy et al.			
	5,860,973	01/1999	Michelson			
	5,899,941	05/1999	Nishijima et al.			
	6,087,555	7/2000	Dunstan et al.			
	6,174,334	01/2001	Suddaby			
	6,190,414	02/2001	Young et al.			
	6,258,125	07/2001	Paul et al.			
	6,482,233	11/2002	Aebi et al.			

FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	WO 98/58604	12/1998	WIPO			N/A

OTHER DOCUMENTS (*Including Author, Title, Date, Pertinent Pages, Etc.*)

EXAMINER	DATE CONSIDERED
----------	-----------------

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.